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17. (New) A blade magazine for use in a head assembly of a matboard cutting machine, comprising:

- a body;
- a slot disposed in the body, the slot sized to receive a cutting blade;
- a flange disposed contiguous with the slot; and
- a means for holding a cutting edge of the blade in contact with the flange;

18. (New) The magazine of claim 17, wherein the flange is positioned at an end of the slot, and oriented relative to the slot at an angle that is at least substantially the same as a cutting edge angle of the blade, thereby enabling a portion of the blade to extend out from the magazine.

REMARKS

Applicants and the undersigned attorney thank Examiner Peterson for his participation in a telephone conference on 3/3/03, in which the subject matter of the present application was discussed. In that conference, as understood by the undersigned attorney, it was agreed that a switch in the election of claims under consideration would be acceptable, including the possible inclusion of claim 1 within the group of claims 3 and 4. The following remarks are offered in response to the Office Action of 12/5/02, in which the following objections and rejections were made:

2. Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 3,967,519 issued to Esterly hereinafter referred to as "Esterly") in view of United States Patent No. 4,599,925 issued to Rom (hereinafter referred to as "Rom"). Specifically, the Examiner indicates that "[i]t would have been obvious to one of ordinary skill in the art to have modified Esterly by making the blade magazine slide in a channel with an adjustment mechanism, as suggested by Esterly, in order to better adjust the depth-of-penetration." Applicants respectfully disagree with the Examiner's characterization of the references and the rejection based thereon.

When an application is submitted to the Patent and Trademark Office, statute and case law dictates that the burden of proof is on the PTO to establish a prima facie case of

obviousness. Once the prima facie case has been established, then the burden of going forward with the evidence to rebut the prima facie case shifts to the applicant. Only the burden of going forward with evidence to rebut shifts to the applicant, however. The burden of persuasion remains with the PTO. In this instance, a prima facie case would necessarily have to first establish that the combined teachings of Esterly and Rom render the claimed subject matter obvious, and second provide a suggestion or motivation within the cited references to combine the cited references to arrive at the claimed invention. The suggestion or motivation to combine the references must not be a hindsight reconstruction of isolated disclosures within the prior art. Indeed, the lack of an appropriate motivation or suggestion to combine gives rise to an inference that the combination is the product of hindsight.

Twice amended claim 1 of the present application recites:

1. A head assembly for a cutting machine, comprising:
 - a head having mounting means for movement of said head assembly on an axis, said head defining a first channel oriented at an oblique angle to said axis;
 - a slide mounted for slidable movement in said first channel between a withdrawn blade position and a plunged blade position, *said slide having a second channel therein extending substantially parallel to said first channel*, and said slide and head having first cooperating mechanical means thereon for adjustably limiting the movement of said slide to said plunged blade position; and
 - a blade-holding magazine dimensioned and configured for slidable insertion into said second channel*, wherein said slide and magazine include a second cooperating mechanical means thereon for adjustably limiting the depth of magazine insertion into said second channel. (emphasis added)

Esterly discloses a multidirectional web cutter that has a rotatable blade assembly 28 that includes a “blade 32 supported in blade housing 34 by blade clamp 36 and thumb screw 38 as shown in FIGS. 2 and 3” (col.2, lines 27-29). Esterly further discloses a “blade slide 57 *on which is mounted the blade 32..*” (col.2, lines 45-46; emphasis added). Hence, applicants respectfully submit that Esterly does not disclose a slide having a second channel, or a blade-holding magazine for slidable insertion in the second channel.

Rom discloses a fiberboard cutting system that includes a cutter assembly 38. The cutter assembly includes a blade support 56 that is secured to a chuck 52 by a set screw 58. A fastener 64 may be employed for adjustably holding the blade 60 relative to the

support 56. Applicants find no such disclosure within Rom of a head assembly having a slide with a second channel, or a blade-holding magazine for slidable insertion in the second channel.

The significance of the second channel and blade magazine of the present invention is substantial. For example, the second channel enables a plurality of magazines to be interchangeably used by the operator with great ease. The claimed second cooperating means enables those magazines to be set at different positions within the second channel. The magazines provide a convenient and safe mechanism for handling the cutting blades. The magazines also facilitate blade positioning by locating blade vis-a-vis the cutting edge of the blade and a shoulder/flange portion of the magazine. Locating the cutting edge of blade rather than an aperture or other edge of the blade helps to minimize the effects of dimensional variability between blades.

Support for the second channel and blade magazines can be found throughout the specification including, but not limited to, pages 8-10, and FIGS. 8, 10-14, and 18-20.

Applicants also respectfully disagree with the Examiner's statement that "[i]t would have been obvious to one of ordinary skill in the art to have modified Esterly by making the blade magazine slide in a channel with an adjustment mechanism, as suggested by Esterly, in order to better adjust the depth-of-penetration". As stated above, neither reference discloses or suggests a blade holding magazine or a head assembly with a slide having a second channel for receiving the blade-holding magazine.

In view of the above, applicants respectfully request the rejection of claim 1 be withdrawn and claim 1 be passed onto allowance.

Claims 3 and 4 have been amended to more clearly claim aspects of the present invention. Support for amended claims 3 and 4 can be found within the Detailed Description and drawing portions of the specification and therefore do not claim or disclose new matter.

New claims 5-18 are added to more fully claim that which is disclosed and was originally claimed. Applicants believe the claimed subject matter does not require a new search and is properly included, including claim 2, in a single patent application.

As applicants have traversed each rejection and objection raised by the Examiner, it is respectfully requested that the Examiner withdraw the stated rejections, allow claims 1-18, and pass the present application on to issuance. A check in the amount of \$84.00 accompanies this amendment to cover the additional claims added. The applicant is a small entity and therefore qualifies for reduced fees pursuant to 37 CFR 1.27. In the event a fee in excess of the amount provided for in the accompanying check is due, please charge our Deposit Order Account No. 13-0235.

Respectfully submitted,

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APPENDIX OF MARKED-UP CLAIMS

Marked-up versions of the amended claims are as follows:

1. (Twice Amended) A head assembly for a cutting machine, comprising:

a head having mounting means for movement of said head assembly on an axis, said head defining a first channel oriented at an oblique angle to said axis; [and]

a slide mounted for slidable movement in said first channel [of said head] between a withdrawn blade position and a plunged blade position, said slide having a second channel therein extending substantially parallel to said first channel [for receiving a blade-holding magazine inserted thereinto], and said slide and head having first cooperating mechanical means thereon for adjustably limiting the movement of said slide to said plunged blade position; and
[wherein the] a blade-holding magazine [is] dimensioned and configured for slidable insertion into said second channel [in said slide], wherein said slide and magazine [having] include a second cooperating mechanical means thereon for adjustably limiting the depth of magazine insertion into said second channel.--

3. (Once Amended) The assembly of claim1 further comprising means for selectively fixing the magazine within the second channel [wherein said slide has a boss defining a threaded aperture that opens to said channel, and wherein said assembly additionally includes a tightening screw received within said aperture of said boss for clampingly engaging a cutting blade received within said magazine].

4. (Once Amended) The assembly of claim 1 wherein the second cooperating mechanical means comprises at least one first locating member attached to the magazine, and at least one second locating member attached to the slide, wherein the magazine is insertable into the second channel to a position wherein the first locating member and the second locating member contact one another and limit further insertion of the magazine within the second channel [comprising at least a second said magazine substantially identical to the first-mentioned magazine, a locating component of said second cooperating means on said first magazine being disposed differently from the corresponding locating members on said

second magazine, and said slide having separate abutment components for independently engaging each of said locating components of said first and second magazines].